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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture
Forty-ninth session

Summary record of the 1103rd meeting
Held at the Palais Wilson, Geneva, on Friday, 2 November 2012, at 3 p.m.

Chairperson: Mr. Grossman

Contents

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Norway (CAT/C/NOR/Q/7)

1. *At the invitation of the Chairperson, the delegation of Norway resumed places at the Committee table*.

2. **Ms. Meinich** (Norway) said that the relevance to the Convention of all the questions raised the previous day had not always been clear. Her Government considered the recommendations of the treaty bodies to be important and therefore hoped that the dialogue with the Committee would be clearly linked to the Convention, as the objective was to improve compliance. Her delegation would reply to clusters of questions, starting with the status of the Convention in national legislation and other international issues.

3. It was hard to say why it had taken so long to ratify the Optional Protocol to the Convention against Torture (OPCAT). However, the ratification process was in its final stages and the instrument of ratification was due to be submitted to parliament in early 2013.

4. Although the Convention had not been incorporated into domestic legislation and there was no plan to incorporate it, its provisions were directly applicable in numerous cases. The definition of torture in the Norwegian Penal Code differed from that contained in the Convention; nevertheless, Norway's approach was compliant with the Convention. The provisions of the Code were specific and comprehensive but also covered acts of torture committed for reasons not specified. The Government would consider listing other types of torture during its review of the Penal Code, which was due to be finalized in 2013.

5. The words "unfair discrimination" used in the constitutional amendment would be better translated as "unfair differential treatment". The idea was to prohibit negative discrimination while permitting positive discrimination. Alternative wordings had been proposed and the Committee would be duly informed of the wording chosen.

6. Her Government recognized the importance of the work of its national human rights institution and gave it high priority. An interministerial working group had been established to ensure full compliance with the Paris Principles; it had been asked to consider and propose amendments to the relevant legislation and was fully committed to its work.

7. Her Government had decided not to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as its wording was unclear and made the implications for Norway's obligations under other treaties difficult to assess. However, Norway had ratified all the key human rights instruments and the core International Labour Organization conventions and gave high priority to efforts to improve labour standards, which were crucial to migrant rights.

8. Under the agreement between Norway and Afghanistan on the treatment and extradition of prisoners to the Afghan authorities, her country cooperated with the latter to ensure that the persons concerned in such cases were treated humanely and in accordance with international law. Thirty people had been transferred under the agreement since it had been signed in 2006. In general, Norway had found no evidence that any torture or degrading treatment had taken place; in the context of the specific complaint that had been made, there had been no evidence of torture and the person concerned had been released.

9. **Ms. Myhren** (Norway) said that Norwegian law offered absolute protection against refoulement for recognized refugees and for those at real risk of the death penalty or torture if returned to their country of origin.

10. There was no plan to expand the right to free legal aid in expulsion cases. Unaccompanied minor asylum seekers had the right to free legal aid in the first instance; adults had the right to free legal aid when appealing a negative decision. While the Government recognized the importance of legal aid at the outset, information was the most essential remedy at that stage. The Norwegian Organization for Asylum Seekers therefore ran an information and counselling programme for asylum seekers at that stage and the police gave guidance on the right to legal assistance and to contact a representative from the country of origin, the Office of the United Nations High Commissioner for Refugees or a Norwegian refugee association in protection and expulsion cases; the police were also required to provide assistance in contacting an independent organization or legal counsel if requested to do so. Information on free legal aid and the right to appeal was available in different languages.

11. Foreigners expelled due to a breach of the Immigration Act were entitled to free legal aid, but that did not apply to foreigners expelled due to a penal sanction. Those sanctioned for violation of the Immigration Act had the right to legal aid only in the expulsion case. Foreigners in need of protection were not sanctioned for not having a valid travel document. The courts had ruled in favour of approximately one in six persons rejected for asylum or expelled in 2010 and in favour of one in three in 2011.

12. Asylum seekers were entitled to appeal a negative decision; in exceptional cases, they could obtain free legal aid. All asylum decisions were given suspensive effect when a negative decision was appealed in the first instance, except in cases handled under the Dublin II regulation, when the conditions for residence were manifestly not met or the applicant had been rejected for asylum in another country. Decisions in asylum cases were generally given suspensive effect pending a court ruling.

13. The Norwegian police took disappearances of children from reception centres seriously. The authorities sought to prevent such disappearances and the national Directorate of Immigration had issued guidelines on disappearances of unaccompanied children between the ages of 15 and 18, and on how to follow up on possible trafficking victims. The Directorate was required to report as soon as the disappearance of a minor was noticed; it was standard procedure to report as missing unaccompanied children who left the reception centre without leaving a new address, and to notify their legal guardian and the child welfare service.

14. While Norway recognized that unaccompanied children needed particularly good care while in reception centres, those who had reached 18 years of age were obliged to return to their country of origin. Pending their return, they were entitled to live in reception centres. Children who were not granted protection and were not returned were entitled to a legal guardian until they reached 18 years of age. Excluding cases handled under Dublin II, 75 per cent of unaccompanied minors had been granted protection and 12 per cent granted residence permits on humanitarian grounds in 2011. Others with no known care-givers in their country of origin were given a limited residence permit.

15. Limited permits were given to unaccompanied children because of their vulnerability. However, not all minor asylum seekers needed that protection. The Government sought to prevent children who were not in need of protection from travelling to Norway in the first place. Limited permits could be granted to young persons between 16 and 18 even if they were not entitled to protection or residence on humanitarian grounds when permanent residence was not an option.

16. The child welfare authorities were responsible for the care of unaccompanied minors seeking asylum under the age of 15, while the immigration authorities were responsible for minors over 15. The rapid increase in unaccompanied minors seeking asylum between 2007 and 2009 had challenged the human and infrastructural resources available; although the

number of arrivals had decreased, the Government had decided that minors over 15 would not be transferred to the child welfare authorities in the period 2009–2013. However, minors over 15 received adequate care under the national legislation and Norway's international obligations. All minor asylum seekers were entitled to the same protection under the Child Welfare Act as any other children in Norway.

17. Under the Dublin II regulation, family members included members of an applicant's nuclear family. Norway generally assumed responsibility for such applications, although statistics were not kept in cases involving distant family members. Norway could assume responsibility for an asylum application from another country either through application of the "sovereignty clause" if the foreign national had a "connection with the realm" through close family or under the "humanitarian clause" in order to safeguard the unity of a family.

18. The number of asylum claims rejected and expulsions should be viewed in their proper context. The figures referred to in paragraph 66 of the report related to a four-year period, during which 340,000 decisions giving foreigners first-time permits had been made. In the same period, Norway had received 48,200 asylum applications; in that context, 29,500 rejections was not a high number. In 2011, 51 per cent of asylum claims examined on their merits had been granted, excluding Dublin II cases; that was a high percentage for a European country.

19. Lastly, the lawyer who had fired a gun and wounded an asylum seeker had been indicted for attempted murder and pronounced psychotic at the time. The authorities had proposed that he should be moved to a compulsory mental health-care centre, and he had been required by the court to pay compensation to the asylum seeker. No information was available concerning his licence to practise law.

20. **Mr. Austad** (Norway) said that the visit by members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in May 2011 to the Trandum aliens holding centre had found that conditions there were generally very good, although shortcomings had been identified. The specific case of Mr. Abu Arrah, about which the Committee had enquired, had been decided in September; the Directorate of Police had rejected the complaint.

21. His Government shared the Committee's belief that it was important for the International Committee of the Red Cross (ICRC) to visit detainees in Trandum. The former arrangement with ICRC had not been suspended and visits had not stopped. Although not all details had been agreed, a new agreement was clearly sought by all and the Ministry of Justice had taken steps to expedite it.

22. Conditions at the centre had been further improved by the construction in April of two new buildings with 72 individual cells, each with separate showers and toilets. Shared laundry facilities were available in each of the four new wings. A decrease in the number of coercive measures had been recorded since the new buildings had come into use. Moreover, the entire staff had received skills training over a two-year period, including on communication and negotiation and handling potential suicides. Mental health staff could be consulted in cases where detainees were suicidal or mentally ill; in addition, a staff nurse now conducted screenings of new arrivals.

23. With regard to overnight stays of detainees, although the computer system had not until the previous week been sufficient to extract statistical data on average detention periods, the majority of single adult males stayed for 7 days and families with minors for a maximum of 24 hours.

24. Over the past year, a new record-keeping system had been introduced at Trandum and would make it possible to compile more accurate statistics on numbers of detainees.

Since the focus had been on completing the system, numbers were not available for the past year.

25. The CPT had informed the police at the centre that one detainee's health information had been found in a police file. Procedures had been reviewed and amended to ensure the confidentiality of medical data.

26. With regard to the questions raised concerning solitary confinement, persons who had been arrested were normally placed in a police cell. Such arrangements were suitable only for short periods, as detainees did not have contact with others and were effectively held in solitary confinement. Detainees must be brought before a district court within 3 days; police regulations then required them to be transferred to a prison within 48 hours, unless that was impossible for practical reasons. However, because of the dearth of prison places the prosecution service frequently released people who would otherwise have been brought before a judge in order to protect their human rights. In some cases judges would not order pretrial detention if no places were available. The number of persons held for more than 48 hours following arrest had decreased considerably since 2010.

27. It had been reported that the reduction in 2011 had been mainly due to improvements in the Oslo police district. Although the current state of affairs as described in the CPT report could be improved, it should be noted that prison capacity had increased in recent years, although not in line with growing needs. The continuing discrepancy could in part be attributed to the Government crackdown on foreign organized crime, which had had an impact on available prison places. Detainees in Bergen were increasingly being transferred to prisons in eastern Norway so that they did not remain in police cells for more than 48 hours.

28. Requests for a physician were usually followed up promptly and, pursuant to the CPT report, the Directorate of Police had sent a letter to all chiefs of police to emphasize the need to remind officers of their duties in that regard.

29. The rules on the isolation of pretrial detainees had been amended in 2002, making isolation possible only under strictly limited conditions. A survey conducted by the Norwegian police academy in 2009 had concluded that the amendments had produced the desired effect. The use of isolation was much less extensive than in 2002; it was used only for short periods and in serious cases.

30. **Mr. Skulberg** (Norway), referring to solitary confinement, said that the national human rights institution had issued a thorough report on exclusion from company in prison in June 2012, in which it concluded that the regulations on exclusion in prisons were vague and discretionary. The Ministry of Justice had examined the report and would consider the recommendations it contained. Although the report indicated that there were shortcomings in the procedural rules in terms of prisoner's right to be informed of the grounds for their exclusion from company, the correctional services were not aware of any incident where such information had been denied. When imposing an exclusion order, the prison authority was required to enter in the decision its legal basis and the facts on which it was based.

31. The report indicated that in some cases exclusion had not been reported to the higher authorities in accordance with regulations. The correctional services took that matter most seriously and had written to all units to remind them of their duties.

32. Decisions on exclusion from company could be appealed within 7 days, or 48 hours for disciplinary sanctions. In 2011, there had been 57 appeals against exclusion from company, 4 of which had been overturned. To date in 2012 there had been 52 appeals, of which 3 had been overturned. Those figures did not apply to the whole country.

33. The correctional services department intended to appoint a working group to review the rules of operation and responsibilities of the regional supervisory boards in order to ensure that the right of prisoners to due process was adequately protected.

34. The computing systems used by the correctional services were old and produced unreliable data; however, a computer-based report would be produced in 2013 and statistics on exclusion would be made available.

35. One prisoner in Trondheim prison had been excluded from company for 110 days in order to maintain order and security; he had persistently uttered verbal threats and behaved in a threatening manner, causing other prisoners to avoid his company.

36. **Mr. Austad** (Norway) said that the incidence of rape was neither chronic nor higher than in other countries. In recent years, the Government had put that issue high on its agenda and had encouraged discussions on how to address it more effectively in the context of a plan of action which had been introduced earlier that year. A number of significant measures had been put in place, including more severe penalties and improved victim care: the Government's will to eliminate rape was clear. The Penal Code referred to the use of force in rape cases; in practice, only a small amount of force was needed in order to secure a conviction. Consent was not a central issue in the legal definition, as it did not alter the evidential demands in any way. However, the wording of the Penal Code would be reviewed. In addition, in order to improve investigations and expedite trials, it had been decided to impose time limits on rape cases at the start of individual investigations. Constant efforts were made to understand the reality behind the figures relating to rape, a crime which took diverse forms. The dramatic increase in reported rapes or attempted rapes in Oslo since 2010 reflected an increased willingness to report, which was to be encouraged and welcomed.

37. In connection with the electronic monitoring of restraining orders in rape cases, the plans of the Director of Police to introduce a pilot in December 2012 had been delayed as the envisaged adaptation of the solution used in Spain had proved incompatible with the Norwegian system.

38. The Committee had requested statistics on cases of violence against women. There had been 2,144 such cases in 2009, 2,474 in 2010 and 2,604 in 2011. Most cases were dealt with under article 219 of the Penal Code.

39. The serious efforts being made to combat trafficking in children had had positive results. Recently, two major investigations involving the exploitation of children by criminal groups for purposes of begging and shoplifting had resulted in successful convictions. Such cases were given priority by the police and constant efforts were made to improve performance in that regard, including a national seminar on trafficking in human beings held for the police and prosecution services earlier in 2012.

40. **Mr. Skulberg** (Norway) said that juveniles were held in prison only as a last resort. In 2010, a total of 1,600 juveniles had been taken into police custody. Of those, more than 50 per cent had been released within six hours, and only 62 had been placed in pretrial detention. On average, about 10 juveniles were held in prison in the country at any given time, mostly in pretrial detention.

41. **Mr. Aaserudhagen** (Norway) said that in 2011 several legislative amendments concerning juvenile offenders had been passed, the most important of which had been the establishment of a new criminal sanction known as a "juvenile sentence" and separate juvenile units in prisons. Strict limits on pretrial detention and preventive detention for juveniles had also been imposed. In fact, preventive detention was only to be used in the most extreme cases, and thus far no juvenile had ever been placed in preventive detention in Norway. There was therefore no case law in that regard.

42. The new "juvenile sentence" offered a real alternative to prison and was intended to reduce the number of juveniles serving prison sentences. Under the new provision, a meeting, convened by a youth conference coordinator, was held with all the relevant parties to establish an action plan covering a period of between six months and three years. The plan could include various crime prevention measures, such as anger management or drug or alcohol abuse programmes, and its implementation was monitored by a youth coordination team.

43. **Mr. Skulberg** (Norway) said that separate juvenile units were being established in two of the country's prisons. In the meantime, three environmental therapists and one child psychologist had been employed in Oslo prison as a temporary measure. Due to the demographic situation in the country and the need for juvenile offenders to maintain contact with their families, the Norwegian authorities could not rule out the possibility that some juveniles might have to serve their sentences in ordinary prisons.

44. **Mr. Austad** (Norway) said that the use of unnecessary force by police officers was not considered to be a widespread problem. The Government had decided not to follow the recommendations it had received on monitoring cases of discriminatory stops by the police, as it felt that the best approach was through preventive efforts in the form of police training. In the wake of the death of Eugene Ejike Obiora in police custody, explanations of the dangers of using the prone position during arrests constituted a major part of the police academy training on arrest techniques.

45. A specific complaint of police violence had related to the arrest of an intoxicated young girl in 2008. The girl had spat at a policewoman, who had then slapped her in response. Following an investigation, it had been decided that, while not necessary, the use of force had been a reaction to provocation and was therefore not unlawful.

46. **Mr. Aaserudhagen** (Norway) said that the concept of exemption from criminal liability in cases of mental illness, currently being debated in parliament, was not a new one in Norway; the principle of mental incapacity had been enshrined in criminal law for many decades. Terror suspects enjoyed the same procedural safeguards as all other persons accused of a serious offence.

47. **Mr. Skulberg** (Norway) said that in 2011 there had been 421 cases of inter-prisoner violence, and the last murder of a prisoner by a fellow prisoner had occurred in 1982. Also in 2011, there had been 261 reported cases of violence and threats against prison staff, including 84 cases of physical violence; the last murder of a prison officer by a prisoner had occurred in 1992.

48. There were currently 698 persons who had been waiting for more than two months to go to prison and start serving their sentence. Priority was given to persons in pretrial detention, persons under 21 years of age, and persons due to serve long sentences or sentences for violent or gang-related offences or offences involving organized crime. The Norwegian authorities believed it was preferable to have a waiting list for persons convicted of minor offences rather than having overcrowded prisons. More than 90 per cent of those on the waiting list appeared at the prison voluntarily when it was time to serve their sentence.

49. Persons in pretrial detention were generally not separated from prisoners serving sentences, but most persons in pretrial detention preferred that arrangement because it gave them better access to employment, education and training programmes. Those who did not wish to remain with prisoners serving sentences were not obliged to do so.

50. **Mr. Andersen** (Norway) said that, under the Mental Health Care Act, restraints were to be used on patients with mental illness only when strictly necessary to prevent personal injury or severe damage to facilities. Coercive means were allowed if the

favourable effects outweighed the disadvantages. Patients who were strapped to a bed or chair were continuously monitored by health-care professionals. The regulations relating to the Mental Health Care Act imposed clear limits on the use of restraints. A report issued in October 2011 had shown an increase in the use of restraint measures such as belts and shielding since 2007, while the frequency of the use of pharmaceutical restraint had remained the same. The report recommended establishing a robust electronic reporting system to track the use of restraint measures.

51. The use of coercive means still varied widely from one region to another. That was probably due not only to poor data quality but also to different service structures, cultures and professional attitudes, and the Government was working to reduce those differences. A new national strategy calling for an increase in voluntary personnel in mental health care had been initiated in 2010, and a supplementary strategy covering the period 2012 to 2015 included measures such as human rights training, improved documentation and data quality, and common guidelines for local authorities on increased use of volunteers.

52. In response to efforts by the Ministry of Health and Care Services to encourage the transition to locally-based and user-centred mental health-care services, there had been an increase in ambulatory outreach teams and in user-managed admissions to mental health-care facilities. The authorities were working to establish national guidelines on the use of electroconvulsive therapy. A national register would also be kept to record the occasions when such therapy was used.

53. Generally speaking, mental health care should always be administered with the patient's consent. Forced admission to mental health-care facilities was allowed only when it was clearly the best solution, and only in accordance with the criteria established in the Mental Health Care Act. All decisions on involuntary admissions were monitored by a local monitoring commission and could be declared invalid if it was found that the aforementioned criteria had not been followed. Within three months the commission would consider whether or not there was a continued need for coercive care. County governors received and handled complaints about coercive medical treatment. Patient Ombudsmen were available to help patients file complaints.

54. The Ministry of Health was currently drafting a report on the quality of care and patient safety, which focused on the need to strengthen user involvement in all aspects of the health sector. A committee appointed to review legislation on coercion in mental health care had submitted its report in June 2011, suggesting that coercive means still had a place in mental health care for seriously ill persons, but that the Mental Health Care Act should set narrower and more clearly defined limits on the use of force. The Ministry of Health had considered the report and had decided to focus its efforts on practical measures as set out in the national strategy for increased voluntary personnel in mental health care, rather than creating new legislation.

55. Throughout the country, primary health care for prisoners was delivered by the local health services in the community where the prison was located. In a medical emergency, the prison doctor on call examined the prisoner and requested a transfer to hospital. In cases where the interruption of a sentence was considered unjustifiable for security reasons, the issue was handled by the regional correctional services and medical officers at the county level. A mental health survey was being conducted in prisons to establish a nationwide overview of prisoners' mental health-care needs. The data-collection process would be completed in the spring of 2013.

56. **Ms. Meinich** (Norway) said that unfortunately her delegation did not have time to answer the Committee's questions on hate crimes, legal aid, the situation of the Roma and the harassment of Jewish children in schools.

57. **The Chairperson** (Country Rapporteur) said that it would be helpful if the delegation could tell the Committee which questions it considered to be unrelated to the Convention. The Committee's questions about the direct applicability of the Convention had been prompted by a decision issued by the Supreme Court, which had stated that the Convention should carry less weight in the Court's decision than it would if it had been incorporated into the Human Rights Act. He welcomed the fact that the process of ratifying the Optional Protocol to the Convention against Torture was in its final stages. He thanked the delegation for the clarification about the timeline for the amendments to the Penal Code relating to grounds for discrimination.

58. He asked if the Government was convinced that the right of foreigners in Trandum holding centre to receive information about their right to appeal decisions to use restrictions against them was sufficiently guaranteed. He understood that the Government had rejected the recommendation by the Maeland working group to abolish preventive detention for minors, but he wished to know whether the Government intended to implement the working group's other recommendations. He asked whether it was true that the number of pretrial prisoners kept in police cells for more than 48 hours had increased from 2010 to 2011, that pretrial prisoners in police cells were always held in solitary confinement, and that the prison authorities were not required to justify their decisions to place prisoners in solitary confinement. He wished to know if it was true that the judiciary did not have access to the INFOFLYT database. Was it true that 60 per cent of persons imprisoned in Norway were foreigners? And what was preventing the delegation from providing statistics on cases of discriminatory treatment by law enforcement officials?

59. **Mr. Wang** Xuexian (Country Rapporteur) said that the number of questions the Committee had put to the delegation of Norway was about average compared with other reporting delegations. He asked how many of the children reported missing in Norway had been found and requested further information about what had happened to them. He invited the delegation to comment on the information that almost 90 per cent of rapes or attempted rapes went unreported, while 84 per cent of those reported never went to court, and most of those that did resulted in acquittals. The Committee had also been informed that, over a five-year period, the number of sexual assaults had increased by more than 22 per cent, culminating in an average of almost three a day in 2011.

60. He requested further information on the exceptional case in which an individual had been held in solitary confinement for 110 days. In the Committee's view, prolonged solitary confinement could amount to ill-treatment or even torture, and 110 days was more than prolonged.

61. **Mr. Bruni** asked how the prison waiting lists operated in practice and requested examples of minor offences to which the waiting system would apply. What was the maximum sentence for which that system was used? He enquired whether the system was well accepted by convicted persons and whether they remained completely at liberty during the waiting period. The system could potentially result in psychological suffering as it represented a delayed form of punishment. He asked whether prisoners could be released early for good behaviour or other reasons.

62. **Mr. Tugushi** asked whether there were plans to establish a special centre for treating victims of torture. Was the Istanbul Protocol applied in cases involving asylum seekers? He asked whether civil society organizations had been involved in the dialogue concerning the human rights protection system, including the national human rights institution and national prevention mechanism. He enquired whether the police responded effectively to reports from asylum centres concerning missing unaccompanied minors, and whether the same measures were taken as in cases involving missing Norwegian minors.

63. **Mr. Gaye** requested further information about appeals against expulsion upheld by the courts.

64. **The Chairperson**, bearing in mind the changes in the evidence requirements in asylum cases, asked for further information concerning access to legal aid. He asked whether the authorities were satisfied with the way in which foreign nationals were apprehended and detained, and particularly whether they were fully able to inform detainees of their rights in a language they could understand. He also enquired whether suspects were detained with convicted prisoners.

65. **Mr. Domah** asked under what circumstances the exception provided for in article 69 of the Criminal Procedure Act would apply, and specifically whether it applied in cases involving torture or rape.

66. **The Chairperson** requested further information about the previously-mentioned case involving an Afghan national and asked whether legal proceedings were pending.

67. **Ms. Meinich** (Norway) requested clarification as to how certain questions from the Committee, e.g. those relating to the Afar Bati case, the follow-up to the investigation of 22 July, Norway's ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, or general measures relating to the Roma community, specifically related to the Convention against Torture.

68. The interministerial working group had held consultations with NGOs and civil society concerning the Optional Protocol and the proposed national prevention mechanism.

69. **Mr. Austad** (Norway), referring to the Trandum centre, acknowledged that the complaints process was slow. The Directorate of Police ensured that detainees had the right to lodge complaints in their language, had access to legal representation and received a copy of the relevant administrative decision; they also received an information brochure on arrival. All complaints were forwarded to the competent authorities.

70. The high percentage of foreign nationals in pretrial detention (60 per cent) compared with the rest of the prison system (33–34 per cent) was accounted for by the fact that Norwegian nationals were less likely to flee the country, not that foreigners committed more offences. It was also easier to apply alternative sentencing measures to Norwegian nationals, thus eliminating the need for detention.

71. On the question of cases of racism involving the police, the police authorities had indicated that when such cases were recorded, no information was provided on the informant's nationality or ethnic background. Hateful or racist statements could provide grounds for prosecution, but many criteria must be met before the relevant provisions could be applied. Police directives prioritized the reporting of cases involving allegations of racism. However, such cases were very rare.

72. Unaccompanied minors who disappeared from asylum centres posed a challenge for the police. Parliament had recently amended the law so that unaccompanied minors could be held without their consent so as to prevent them from absconding and becoming victims of human trafficking. It remained to be seen how successful that legislation would be. The same procedures were followed whether the unaccompanied minor was an asylum seeker or Norwegian. However, children went missing for a range of reasons, and such cases did not always involve criminal acts. His Government considered that in cases involving young asylum seekers investigations should be undertaken more frequently. In asylum centres, staff trained to handle trafficking-related issues assessed whether minors had been trafficked. If those vulnerable children went missing, the relevant information was passed on to the police.

73. Rape statistics must be understood in context, and reporting rates varied significantly between countries. Rape involved a range of circumstances, and only a small number of cases involved attacks by strangers. Reports of rape were appropriately handled by the police, who allowed women to provide detailed information even if the acts they described did not meet the legal criteria for rape. However, many cases of rape never reached the courts owing to a lack of reliable witnesses or sufficient evidence; strict evidence requirements posed a challenge in rape cases. The State party was committed to improving efforts relating to the reporting and investigation of cases of rape as much still remained to be done.

74. Although persons temporarily held in police cells had no contact with other prisoners, they were not, strictly speaking, in solitary confinement. Nevertheless, it was important to move detainees to an ordinary prison as soon as possible.

75. The Trandum centre held only foreign prisoners who had been sentenced for breaking the law, including persons fined. His delegation would provide more precise statistics concerning the centre in due course.

76. Article 69 of the Criminal Procedure Act was applied in cases where, for example, trafficking victims had broken the law. Prosecution could then be waived as those persons were primarily viewed as victims. The article was applied only in cases involving minor offences or in exceptional circumstances.

77. **Ms. Myhren** (Norway) provided statistics on unaccompanied minors who had absconded from asylum centres. As of May 2012, 49 of the 100 unaccompanied minors who had left asylum centres in 2011 without leaving a contact address remained unaccounted for; 25 of that group were no longer under age.

78. Asylum procedures complied with the Istanbul Protocol, which applied to asylum seekers. Training was provided for staff on human rights and on how to conduct asylum interviews. The immigration appeals board had produced a checklist, available to all case workers, in order to ensure that reliable evidence was obtained. The Directorate of Immigration also provided training to interviewers to raise awareness of torture-related issues. In accordance with the Istanbul Protocol, persons arriving at an immigration centre underwent a medical examination.

79. Before 2005, asylum seekers had been entitled to three hours of legal aid. The procedure had changed and now focused on providing information. When asylum cases were assessed, the presence or absence of legal representation made no difference to the time frame for reviewing cases; asylum applications were assessed as soon as possible.

80. In 2010, the courts had handled 58 immigration-related cases (asylum and other cases) and in 9 cases had ruled in favour of the foreign nationals concerned. In 2011, the courts had ruled in favour of foreign nationals in 22 out of a total of 75 cases.

81. **Mr. Andersen** (Norway) said that a large number of measures were being implemented or planned in order to improve the asylum system following a working group's review of implementation of the Istanbul Protocol. The group had stressed the need to improve primary and specialist care, and to assess communication and cooperation between sectors and authorities. Measures included training programmes for staff in detention centres, standard health agreements relating to care for vulnerable migrants, education programmes for vulnerable minors, the dissemination of information and revised guidelines, the translation of relevant material, measures to ensure that health services were provided in accordance with national legislation and regulations, the systematic documentation of cases of torture, cooperation with immigration authorities concerning the needs of so-called Dublin II cases, providing the relevant information to reception and health centres and the processing of applications.

82. At present, there were no plans to establish special units for victims of torture; the Norwegian health service provided the necessary care. However, five regional support centres, with special responsibilities for refugees, focused specifically on providing care to unaccompanied minors. Guidance was also provided to primary and local health-care services, and cooperation networks were in place. Regional health authorities were competent to establish specialist health services.

83. Referring to a policy document dated 2008, he stressed the need to strengthen cooperation in dealing with victims of violence, including refugees and asylum seekers. From 2006, funding for a psychosocial team to handle refugees had formed part of the resources allocated by the Directorate of Health to regional centres.

84. **Mr. Skulberg** (Norway) said that, on average, sentences imposed in his country were for 4 months or less. Although the prison waiting list was problematic, building more prisons was not the right answer. Alternatives to prison were needed, particularly in view of the large number of short sentences; the aim was to reduce recidivism and create more humane and cheaper solutions. There were currently slightly under 700 persons on the prison waiting list, compared with some 3,000 in 2006.

85. It was normal for convicted prisoners to be given up to two months to prepare to enter the prison system. The waiting period was not defined as a "queue" unless it extended beyond those two months. Although the waiting period could be viewed as psychologically stressful, it was possible to request fast-track entry. Convicted persons waited at home, without any electronic monitoring system or special conditions. More than 90 per cent of convicted persons turned up to serve their sentence. The system worked in practice and provided a means of avoiding overcrowding.

86. The prison authorities were required to justify their reasons for ordering solitary confinement, with certain exceptions — as stipulated in the provisions of the Execution of Sentences Act — possible for security reasons or in the interests of an investigation.

87. The INFOFLYT system had been designed to facilitate the exchange of information between the police and the correctional services. A committee appointed to look into the matter had delivered its report in May 2012, and the subsequent public consultation had ended the previous day. The correctional services could transmit information on prisoners to the police in order to prevent or combat crime. To protect prisoners' rights, the Police Register Act would apply in such cases. The Ministry of Justice and Public Safety would assess the committee's report and the outcome of the consultation. A proposal had been made to introduce regulations to ensure a balance between prisoners' and citizens' rights.

88. Measures had been taken to improve the pretrial detention system, including arrangements with a number of low-security prisons and the adaptation of three prisons to accommodate persons in pretrial detention. Thus, steps had been taken to follow up the Maeland report.

89. **Mr. Aaserudhagen** (Norway) said that the Maeland working group report had raised no fundamental objections but had expressed concerns relating to short pretrial sentences and the system for preparing offenders for provisional release. Those issues would be examined by the Ministry of Justice, although they had not yet been given high priority. With regard to conditional release, judges handling ordinary criminal cases only had access to documents and statements submitted by the prosecution and defence in the courtroom. Cases were assessed using a broad range of information.

90. It was important to stress that the Supreme Court had not stated that the Convention carried less weight because it had not been incorporated into Norwegian law. The principal issue involved was not whether the Convention was directly applicable in Norwegian law, but concerned the finer points of Norwegian civil procedural law. The argument adduced

by the Supreme Court did not apply to cases relating to the prevention of torture but to certain earlier civil cases. The Supreme Court's comments related to the actual provisions of the Convention rather than the status of its incorporation into domestic legislation.

91. **The Chairperson** said that the State party's comments would be taken into account in the preparation of the concluding observations.

The meeting rose at 6 p.m.